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### NATIVE PLANT SPECIES PILOT PROGRAM

OCTOBER 18, 2022.—Ordered to be printed

Filed, under authority of the order of the Senate of October 14, 2022

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 557]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 557), to establish a pilot program for native plant species, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

#### AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Native Plant Species Pilot Program Act of 2022”.

#### SEC. 2. PILOT PROGRAM FOR NATIVE PLANT SPECIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this section as the “Secretary”) shall, in accordance with any existing laws and management policies, carry out a pilot program to prioritize the use of native plant species within geographically diverse units of the National Park System and public land administered by the Bureau of Land Management.

(b) IMPLEMENTATION.—In carrying out the pilot program under subsection (a), the Secretary shall, to the extent practicable—

- (1) give preference to the use of locally adapted native plant materials where appropriate;
- (2) incorporate efforts to prevent, control, or eradicate the spread of invasive species;
- (3) incorporate efforts to use native plants in areas that have experienced a recent wildfire event; and
- (4) identify situations in which the use of non-native plants may be warranted.

(c) COORDINATION.—The Secretary shall, in carrying out the pilot program under subsection (a), coordinate activities with—

- (1) the National Seed Strategy of the Bureau of Land Management;
- (2) the Plant Conservation Alliance; and
- (3) the Plant Materials Centers of the Natural Resources Conservation Service.

(d) TERMINATION OF AUTHORITY.—The authority to carry out the pilot program under subsection (a) terminates on the date that is 5 years after the date on which the pilot program is established under that subsection.

(e) REPORT.—Not later than 1 year after the date on which the authority to carry out the pilot program terminates under subsection (d), the Secretary shall submit to Congress a report describing—

- (1) the results of the pilot program carried out under subsection (a); and
- (2) the cost-effectiveness of using native plants in units of the National Park System and public land administered by the Bureau of Land Management.

#### PURPOSE

The purpose of S. 557 is to establish a pilot program for native plant species within geographically diverse units of the National Park System and public lands administered by the Bureau of Land Management.

#### BACKGROUND AND NEED

Promoting the use of native plants on federal lands is vital to preserving biodiversity and is beneficial for wildlife, human health, and the environment. However, of the 20,000 known native plant species in North America, it is estimated that approximately 30 percent are at risk of extinction as a result of factors such as habitat loss, invasive species, temperature shifts, and pesticide use.

Native plants boast significant advantages over non-native species. Plants native to surrounding areas require fewer pesticides and do not require fertilizer and are adapted to the weather conditions and require less water and maintenance. Mowing is not typically necessary for native plants, which may reduce fuel consumption, air pollution, and emissions. Finally, native plants provide vital habitat and food for wildlife and nectar for pollinators, including hummingbirds, native bees, butterflies, moths, and bats. Non-native plants and invasive species, on the other hand, can invade the surrounding habitat and cause potential disruption to the native wildlife and larger ecosystems. The spread of invasive species after a wildfire is especially common, particularly in arid environments, as recently burned areas provide an ideal environment for invasive plants to thrive. Reintroduction of native plants directly after a fire can help prevent the spread of invasive species and restore the land to its natural state.

As ordered reported, S. 557 establishes a pilot program within the National Park Service and the Bureau of Land Management to promote and increase the use of native plants on Federal land.

#### LEGISLATIVE HISTORY

S. 557 was introduced by Senator Collins and Senator Cantwell on March 3, 2021. The Subcommittee on National Parks held a hearing on S. 557 on May 11, 2022.

Representative Cartwright introduced a companion bill, H.R. 1548, in the House of Representatives on March 3, 2021. The House Natural Resources Subcommittee on National Parks, For-

ests, and Public Lands held a hearing on H.R. 1548 on June 14, 2022.

Senators Collins and Cantwell introduced similar legislation in the 116th Congress, S. 3150, on January 6, 2020. Representative Cartwright introduced a companion bill, H.R. 6024, on March 9, 2020. No further action was taken on either bill.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on July 21, 2022, by a voice vote of a quorum present, recommends that the Senate pass S. 557, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 557, the Committee adopted an amendment in the nature of a substitute that, in addition to making several clarifying changes, extends the pilot project to the Bureau of Land Management, and directs the National Park Service and the Bureau of Land Management to prioritize the use of native plants in areas that experience a recent wildfire event.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 establishes the short title of the bill as the “Native Plant Species Pilot Program Act of 2022”.

##### *Sec. 2. Pilot program for native plant species*

Subsection (a) directs the Secretary of the Interior to establish a pilot program to prioritize the use of native plant species within geographically diverse units of the National Park Service and public lands administered by the Bureau of Land Management within 180 days after the date funds are made available to carry out this Act.

Subsection (b) outlines guidelines for implementing the pilot project, including giving preference to locally adapted native plant materials, incorporating efforts to prevent, control, or eradicate the spread of invasive species, and using native plants in areas that experience a recent wildfire event.

Subsection (c) requires the Secretary to coordinate with the National Seed Strategy of the Bureau of Land Management, the Plant Conservation Alliance, and the Plant Materials Centers of the Natural Resources Conservation Service in carrying out the pilot program.

Subsection (d) authorizes the pilot program for five years following its establishment.

Subsection (e) requires the Secretary to submit a report to Congress that outlines the results of the pilot program and the cost effectiveness of using native plants.

#### COST AND BUDGETARY CONSIDERATIONS

The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 557 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at [www.cbo.gov](http://www.cbo.gov).

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 557. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 557, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 557, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the May 11, 2022, hearing on S. 577 follows:

**STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR**

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 557, the Native Plant Species Pilot Program Act of 2021. The Department supports S. 557.

S. 557, the Native Plant Species Pilot Program Act of 2021, would create a pilot program to utilize native plant materials in projects within National Park Service units to protect native plant biodiversity. The bill complements and enhances how the National Park Service utilizes native plant materials for revegetation on projects throughout the Service.

S. 557 is aligned with the National Park Service mission and NPS 2006 Management Policies. National Park System units acquire native plant materials through a variety of mechanisms including greenhouses, seed storage capacity, native plant nurseries within park units, and by working with partners to obtain native plant materials for restoration activities. For example, at Flight 93 National Memorial, on a former surface mine restoration project, more than 4,200 volunteers have planted 41 varieties of native trees and shrubs across 197 acres. At Devil's Tower National Monument, park staff and contractors used locally collected native plant seed to restore 3 acres of disturbed land at the park's visitor center and along the popular Power Trail to Devil's Tower. At Pea Ridge National Military Park, National Park Service staff and contractors collected native seed from remnant prairies and planted them in agricultural fields outside the park. The seed and plants will be harvested and used to restore 30 acres of Civil War

battlefield, including an obliterated highway, existing roadways, and areas near the park's Visitor Center.

Finally, the NPS would like to work with the sponsor and the Committee to address technical edits regarding the implementation of the bill.

Chairman King, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

